

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Criminal No. 08-343 (JNE/FLN)
ORDER

Norman L. Simms (3),

Defendant.

In a Report and Recommendation dated January 8, 2009, the Honorable Franklin L. Noel, United States Magistrate Judge, recommended that Defendant's Motion to Suppress Evidence Obtained as a Result of Search and Seizure be denied and that Defendant's Motion for Suppression of Confessions or Statements be denied as moot. Defendant objected. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). The Court notes that Defendant accurately identified a mistake in the Report and Recommendation's recitation of Officer Garman's testimony. Officer Garman testified that a Chevy Blazer showed up at 1:30 p.m., not a Buick. The maroon Buick arrived at approximately 2:00 p.m., after the Blazer had been stopped. This misstatement of Officer Garman's testimony does not affect the basic soundness of the magistrate judge's reasoning. Accordingly, based on a de novo review of the record, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Defendant's Motion for Suppression of Confessions or Statements [Docket No. 75] is DENIED AS MOOT.
2. Defendant's Motion to Suppress Evidence Obtained as a Result of Search and Seizure [Docket No. 78] is DENIED.

Dated: February 10, 2009

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge